

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|  |                               |
|--|-------------------------------|
| NORFOLK COUNTY RETIREMENT )                |                               |
| SYSTEM and PLUMBERS LOCAL UNION )          |                               |
| 519 PENSION TRUST, individually and on )   |                               |
| behalf of all others similarly situated, ) | Case No. 07-cv-07014          |
|  | )                             |
| Plaintiffs, )                              |                               |
| v. )                                       | Judge Robert W. Gettleman     |
|  | )                             |
| DANIEL C. USTIAN, ROBERT C. )              | Magistrate Judge Nan R. Nolan |
| LANNERT, MARK T. SCHWETSCHENAU, )          |                               |
| NAVISTAR INTERNATIONAL )                   |                               |
| CORPORATION, and DELOITTE & )              |                               |
| TOUCHE LLP, )                              |                               |
| Defendants. )                              |                               |

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on August 27, 2009, at 9:15 a.m., or as soon thereafter as counsel may be heard, the undersigned shall appear before The Honorable Judge Robert W. Gettleman, or any judge sitting in his stead, in the courtroom usually occupied by him at 219 South Dearborn Street, Chicago, Illinois, and will then and there present NAVISTAR DEFENDANTS' MOTION TO CERTIFY FOR INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(B) THE COURT'S ORDER DENYING NAVISTAR DEFENDANTS' MOTION TO DISMISS, a copy of which is enclosed herewith.

Dated: August 17, 2009

Respectfully submitted,

/s/Sean M. Berkowitz

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One of the Attorneys for Defendants  
Navistar International Corporation,  
Daniel C. Ustian, and Robert C. Lannert

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